

REMARKS

The examiner is respectfully requested (for the second time) to indicate the acceptance of the formal drawings filed on June 17, 2004.

Claims 1 – 15 are pending. Claims 1 – 13 have been allowed. Claim 17 is canceled by way of the above amendment, claim 16 previously having been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 14 – “16” were rejected under 35 USC 102(b) as being unpatentable Figure 14 of the present application. Claim 14 has been amended to incorporate claim 17. Additional support for amended claim 14 is located in the specification, page 14, lines 16 – 18. Insofar as the rejection may be applied to the claims as amended, the rejection is respectfully traversed for reasons including the following, which are provided by way of example.

As best understood by applicants, the office action asserts that the definitions of (1) “a rigidity of portions other than the fragile portion” and (2) “predetermined value” in claim 14 are still unclear and/or too broad.

First, the examiner asserts that “[t]here will be some portion of the vehicle/engine/cover that is stronger than the fragile portion.” Claim 14 has been amended to limit the “portions other than the fragile portion,” to “portions in the seat body and the coupling section other than the fragile portion.” Figure 14 of the present application fails to teach this particular limitation, in combination.

Second, claim 14 has been amended to incorporate claim 17 which recited “the predetermined value is a collision load which begins to destroy the fragile portion.” If the examiner maintains the rejection of claim 14 as amended, he is respectfully requested to provide

an explanation with respect to the claim language from claim 17 so that applicants can respond thereto.

The office action states that the rejection applies to claims “14 – 16.” However, claim 16 was canceled and new claim 17 was added. Although the office action expressly considered the language in canceled claim 16, the office action nevertheless failed to consider the language of new claim 17. Therefore, the language of claim 17 has not properly been considered nor have the reasons for rejection of claim 17 been made of record.

Hence, Figure 14 of the present application fails to teach or suggest the combination of features recited in independent amended claim 14, when considered as a whole.

With respect to the rejected dependent claim, applicants respectfully submit that these claims are allowable not only by virtue of its dependency from independent claim 14, but also because of additional features it recites in combination.

The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

The applicants respectfully request entry of the present amendment for the following reasons. First, the amendments to the claims are necessary to further clarify the claimed invention to the Examiner with respect to claiming the full scope of patent protection that the applicants believe is appropriate and/or to address claim informalities. These amendments address the Examiner's issues with respect to the claimed invention, and most were unable to be introduced earlier since the Examiner's rejections were not fully understood (and are still not fully understood with respect to claim 17).

Second, the amendments to the claims do not raise new issues requiring further search since the amendments involve incorporating features already existing in other pending claims.

Third, the applicants respectfully submit that no new matter has been introduced. In addition, the amendments made to the claims are minor changes performed in response to the Examiner's comments.

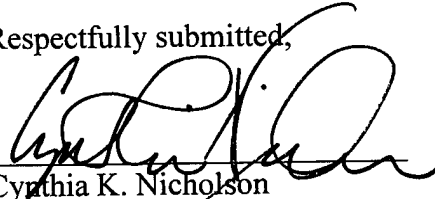
Fourth, the amendments to the claims place the application in better form for appeal by materially simplifying the issues, i.e., correcting formality requirements and clarifying the asserted patentable distinctions over the references.

Accordingly, the applicants respectfully request entry of the present Amendment.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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